

TERRY G. WATSON,)
)
Plaintiff,)
)
v.) No. 2:16CV71 HEA
)
KAREY L. WITTY, et al.,)
)
Defendants.)

This matter is before the Court on Plaintiff's Motion for Reconsideration of the Denial of a Temporary Restraining Order and Preliminary Injunction , [Doc. No. 326], Plaintiff's Motion for a Final Judgment on the Pleadings, Grant Summary Judgment or Move the Cause to Trial, [Doc. No. 330], and Plaintiff's Motion for Recognition of Other Court Decision's [sic] Directly Impacting the Cause in the Instant Case, [Doc. No. 334]. For the reasons set forth below, the Motions will be denied.

Motion for Reconsideration of the Denial of a Temporary Restraining Order and Preliminary Injunction

Plaintiff's Amended Complaint alleged various claims against Defendants:

Count I was brought against Corizon Correction Health, Inc. (Corizon) employees Dr. Aschok Chada; Dr. Paul Jones, and Cathy Barton for alleged deliberate indifference to plaintiff's serious medical needs in violation of the Eighth Amendment relative to plaintiff's back and leg issues. Count II was brought against Missouri Department of Corrections (MDOC) employees Lisa Pogue and Michelle Buckner for failing to accommodate plaintiff's alleged back, neck, and leg pain disabilities in relation to bunk beds and mattresses at the South Central Correctional Center (SCCC) and at the Moberly Correctional Center (MCC). Count III was brought against MDOC employee Lisa Pogue because the housing units at MCC are allegedly not handicap accessible in that the housing units have stairs (not wheel chair ramps) and the showers do not contain a seat or grab bars and that due to his back and leg issues he uses a cane to walk, traversing stairs causes him considerable pain, and he is danger of falling. Count IV was brought against MDOC employee Jeff Allen for violating the ADA because Allen allegedly has bullied plaintiff, made racial slurs, and issued conduct violations to plaintiff due to plaintiff's hearing loss. Count IV is the only Count remaining; all other counts have been dismissed either through dismissal or summary judgment.

Plaintiff's request for a temporary restraining order and preliminary injunction has to do with issues that were not originally raised in his Amended Complaint. Plaintiff is now seeking relief for a completely different alleged injury

against parties who have been dismissed from this action. These claims are properly brought in a separate action, not the current case. The Motion to Reconsider the denial of the TRO and preliminary injunction is denied.

Plaintiff's Motion for a Final Judgment on the Pleadings, Grant Summary Judgment or Move the Cause to Trial

Plaintiff seeks a final judgment on the pleading, summary judgment or setting the matter for trial and assigning counsel. The Court has previously denied counsel in this matter, and at this time, the Court is of the opinion that counsel is not warranted. There is no basis at this time to grant a final judgment or summary judgment. The matter will be set for trial as to the remaining defendants in accordance with the Court's schedule. The Motion is denied.

Motion for Recognition of Other Court Decision's [sic] Directly Impacting the Cause in the Instant Case

The Court agrees with Defendant Allen that Plaintiff's request for recognition of another' Court's decision on the grounds that it directly impacts the instant case is without merit. Assuming that the decision has indeed been rendered, it has nothing to do with the matters currently pending before the Court. The Motion is denied.

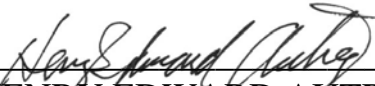
Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Reconsideration of the Denial of a Temporary Restraining Order and Preliminary Injunction, [Doc. No. 326], is denied.

IT IS FURTHER ORDERED that Plaintiff's Motion for a Final Judgment on the Pleadings, Grant Summary Judgment or Move the Cause to Trial, [Doc. No. 330], is denied.

IT IS FURTHER ORDERED that Plaintiff's Motion for Recognition of Other Court Decision's [sic] Directly Impacting the Cause in the Instant Case, [Doc. No. 334], is denied.

Dated this 7th day of October, 2019.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE